



**HELEN F. DALTON & ASSOCIATES, P.C.**  
ATTORNEYS AT LAW

80-02 Kew Gardens Road, Suite 601, Kew Gardens, New York 11415  
Tel. (718) 263-9591 Fax. (718) 263-9598

June 27, 2022 **SO ORDERED**

**Via ECF:**

The Honorable George B Daniels, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
Courtroom 11A  
New York, NY 10007

The oral argument is adjourned to  
August 2, 2022 at 10:30 a.m.

JUN 27 2022

*George B. Daniels*  
HON. GEORGE B. DANIELS

Re: **Morales, et. al. v. Tremont Car Wash and Lube LLC, et. al.**  
Civil Docket No. 20-cv-1760 (GBD)(JLC)

Dear Judge Daniels:

We represent Plaintiffs, Jorge Morales, Toribio De La Cruz Mejia, Freddy Gomez Castro, Christian Lugo Viera, Marcos Gonzalez Martinez, Jorge Alberto Linares Figueroa, Rolando Garcia, and Ramon Antonio Constanza Estevez, individually and on behalf of all others similarly situated ("Plaintiffs") in this FLSA action, and we respectfully submit this letter motion – on consent counsel for all the parties – for an adjournment of the parties' upcoming motion conference relating to defendants' motion to dismiss (the "Motion"), and to provide the Court with the parties' mutually agreed-upon briefing schedule for (i) Plaintiffs' opposition papers; and (ii) Defendants' reply papers – subject to the court's approval.

**Relevant Background**

By way of brief background, on June 23, 2021, Plaintiffs filed their operative pleadings, the Plaintiffs' Summons and Amended Complaint, against Tremont Car Wash and Lube LLC and John Lage, Michael Lage, as individuals (collectively, the "Tremont Defendants"), and K & P CW INC., and BYOUNGHOON PARK a/k/a EDDIE PARK, and JI HYUN KIM a/k/a ANDREW H. KIM, as individuals (collectively, "K&P Defendants"). Dkt. Nos. 29; 35-38.

(a) **The Tremont Defendants' Summary Judgment Motion**

On December 20, 2021, Tremont Defendants moved for summary judgment (*see* Dkt. Nos. 44-46) ("The Summary Judgment Motion"), which motion Plaintiffs opposed on January 31, 2022. *See*, Dkt. Nos. 49-51.

Also on January 31, 2022, the K&P Defendants appeared through counsel for the first time in this case (*see* Dkt. No. 52) and filed their opposition to the Tremont Defendants' Summary Judgment Motion (*see* Dkt. Nos. 53-55). On February 22, 2022, Tremont Defendants filed their

reply papers (*see* Dkt. Nos. 58-59), and the Tremont Defendants' Summary Judgment Motion was fully submitted.

By Order dated April 18, 2022, The Court directed that: "[t]he Court will hear oral arguments on the pending motion for summary judgement, (ECF No. 44), on June 14, 2022, at 10:00 am" (*see* Dkt. No. 60). Moreover, on June 2, 2022, the parties' settlement teleconference was held, at which counsel for all of the parties in this matter were in attendance.

On June 14, 2022, oral arguments on the Tremont Defendants' Summary Judgment Motion was adjourned and rescheduled, to June 28, 2022, at 10:30 AM in Courtroom 11A, 500 Pearl Street, New York, NY 10007." *See* Dkt. No. 62.

(b) The Plaintiffs' Service Motion

On June 16, 2022, Plaintiffs filed a Letter Motion seeking, *inter alia*, to compel counsel for the K&P Defendants, who have appeared in this action with defense counsel, to accept service of process on behalf of his clients, K&P Defendants, on grounds set forth therein<sup>1</sup> ("The Plaintiffs' Service Motion"). *See*, Dkt. No. 63.

To date, neither the Tremont Defendants nor the K&P Defendants have interposed an Answer to Plaintiffs' Amended Complaint; however, on June 17, 2022, Tremont Defendants moved for extension of time to file an Answer. *See* Dkt. No. 68.

On June 18, 2022, the Court granted the Tremont Defendants' extension request, permitting Tremont Defendants to answer by June 23, 2022. *See* Dkt. No. 69.

(c) The K&P Defendants' Motion to Dismiss the Amended Complaint

On June 16, 2022, in lieu of answering, the K&P Defendants filed a motion to dismiss the Amended Complaint ("The K&P Defendants' Motion to Dismiss"). *See* Dkt. Nos. 64-67.

**The Instant Requests For Relief**

Now, Plaintiffs respectfully request, on consent counsel for all the Defendants, that the Court adopt the parties' following mutually-agreed upon briefing schedule dates, with respect to (i) The Plaintiffs' Service Motion, and (2) The K&P Defendants' Motion to Dismiss:

- **Plaintiffs' opposition papers, if any, must be filed by Friday, July 8, 2022;** and
- **K&P Defendants' reply papers, if any, must be filed by Friday, July 15, 2022.**

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<sup>1</sup> Plaintiffs' Service Motion requested the following relief: (1) setting a conference with counsel for all parties present to address the issue of service of process on K&P Defendants; (2) compelling Attorney Shillito (for K&P Defendants) to provide all parties with a proper address for K&P Defendants at which they may be served; (3) directing Plaintiffs to serve the Summons and Amended Complaint on the K&P Defendants via alternative means so authorized by the FRCP; and/or (4) extending the time by thirty (30) days for Plaintiffs to serve the K&P Defendants with the Summons and Amended Complaint. Dkt. No. 63.

Moreover, in addition to so-ordering the above briefing schedule on i) The Plaintiffs' Service Motion, and 2) The K&P Defendants' Motion to Dismiss, the parties also respectfully request, that The Court issue an order adjourning oral arguments on Tremont Defendants' Summary Judgment Motion, currently scheduled for June 28, 2022, at 10:30 am, until a date in late July 2022. The reason for this request is that by then, all three above motions filed in this case are anticipated to be fully briefed, and thus, all motions can be heard at once at that time.

**Conclusion**

Based on the foregoing, the parties respectfully request that The Court issue an Order: (1) adopting the above mutually-agreed upon briefing schedule dates, with respect to both of The Plaintiffs' Service Motion, and The K&P Defendants' Motion to Dismiss; and (2) adjourning oral arguments on Tremont Defendants' Summary Judgment Motion, currently scheduled for June 28, 2022, at 10:30 am, until a date in late July 2022.

We thank The Court for its kind consideration on this matter, and we remain available to provide Your Honor with any additional information necessary.

Respectfully submitted,

Roman Avshalumov  
Roman Avshalumov, Esq.

CC: counsel for defendants via ECF:

**Rex Whitehorn, Esq.**

**REX WHITEHORN & ASSOCIATES, P.C.**

*Counsel for Tremont Car Wash and Lube LLC, John Lage, and Michael Lage, as individuals*

Tel.: (516) 829-5000

Email: [rw@rwassociatespc.com](mailto:rw@rwassociatespc.com)

**Nils C. Shillito, Esq.**

**STEPHEN D. HANS & ASSOCIATES, P.C.**

*Counsel for K & P CW INC., and Byounghoon Park a/k/a Eddie Park, and Ji Hyun Kim a/k/a Andrew H. Kim, as individuals*

Tel.: (718) 275-6700

Email: [nshillito@hansassociates.com](mailto:nshillito@hansassociates.com)